

Rules With Changes - Effective April 1, 2005:

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Note: new items are underlined and language to be removed is ~~stricken~~

RULE 1001-1

**INTRODUCTION AND GENERAL STATEMENT OF ADOPTION
AND APPLICATION OF LOCAL RULES**

A. The title of these rules is "Local Rules, United States Bankruptcy Court, Northern District of Florida." They may be cited as "N.D. Fla. LBR____."

B. These rules shall take effect on April 1, 2005, and shall apply in said United States Bankruptcy Court to all cases, and to all matters and proceedings arising in or related to cases under Title 11, United States Code (the Bankruptcy Code) then pending and thereafter filed, except to the extent that in the opinion of the Court their application in a pending case, matter or proceeding would not be feasible or would work an injustice.

C. For cause, on motion of a party in interest or sua sponte, the Court may direct that one or more provisions of these rules not apply in a case, matter, or proceeding.

D. The Local Rules of the United States District Court, Northern District of Florida shall apply in all bankruptcy cases, including contested matters and adversary proceedings, to the extent applicable and to the extent not inconsistent with the bankruptcy rules and the local bankruptcy rules for the Northern District of Florida.

E. Definitions: The terms "Court", "Clerk", and "Judge", when those appear in applicable District Court Local Rules, shall mean the Bankruptcy Court, Bankruptcy Clerk, and Bankruptcy Judge, respectively, unless inconsistent with the language or meaning of the particular District Court Local Rule.

RULE 1007-1

LISTS, SCHEDULES, & STATEMENTS

A. The following shall accompany and be filed with the petition:

(1) CHAPTER 7, 12, or 13:

(a) LIST OF CREDITORS (Names and Addresses) unless the petition is accompanied by a schedule of liabilities or a Chapter 13 statement.

(b) MASTER MAILING MATRIX. (see Local Rule 1007-2)

(c) FILING FEE.

(2) CHAPTER 9 or 11:

(a) LIST OF CREDITORS (Names and Addresses) unless the petition is accompanied by a schedule of liabilities.

(b) EXHIBIT "A" TO OFFICIAL FORM NO. 1, IF DEBTOR IS A CORPORATION.

(c) LIST OF TWENTY LARGEST UNSECURED CREDITORS EXCLUDING INSIDERS.

(d) MASTER MAILING MATRIX ~~and ATTORNEYS MATRIX.~~
(see Local Rule 1007-2)

(e) FILING FEE.

B. Chapter 13 Statement and Plan:

The original ~~and two copies~~ of the Chapter 13 Statement must be filed within the time limits specified in Bankruptcy Rule 1007(c). Schedule B-4 must accompany the Statement.

RULE 1007-2

MAILING LIST OR MATRIX

The debtor shall file with the petition a list containing the name and address of each creditor which shall serve as a mailing matrix. The mailing matrix shall be submitted ~~on diskette~~ in the format specified by the Clerk's Office (see "INSTRUCTIONS FOR CREDITOR MATRIX DISKETTE" on local forms page on court Internet site).

RULE 1009-1

AMENDMENTS TO LISTS AND AMENDED SCHEDULES

A. Amendments to ~~Schedules, Voluntary Petitions, Lists, and Statements of Affairs~~ Voluntary Petitions, Lists, Schedules and Statements of Affairs may be made by filing the original with the Clerk. Amendments must contain a caption which includes including the case number, case name and the title of the document, and should only contain additional or deleted information. The amendment must be executed and acknowledged by the debtor and attorney of record in the same manner that the item being amended was originally executed. Amended schedules should be filed in their entirety for clarity and to simplify the record. Any changes, additions or deletions must be

clearly indicated.

B. The debtor shall ~~give~~ notice of the amendment to any entity affected thereby, the trustee, and to the U.S. Trustee's office. A certificate of service shall be filed with the Clerk.

C. Amendments adding additional creditors to the schedules require the appropriate filing fee and shall be accompanied by an additional mailing matrix which contains the names and addresses of only the creditors being added.

RULE 1019-1

CONVERSION

In cases converted to Chapter 7, the debtor-in-possession or the trustee shall file an original and ~~four (4) copies~~ of all lists, schedules, and statements required by Bankruptcy Rule 1007, on the official forms with the debtor's signatures, which accurately reflects the condition of the debtor's estate at the time of conversion. The lists, schedules, and statements shall be filed within the time provided in Bankruptcy Rule 1007 and 1019(1)(A). The final report and schedule of post-petition debts shall be filed within the time provided in Bankruptcy Rule 1019(1)(A). In lieu of filing new schedules and statements, if the debtor has acquired no debt or property since the filing of the case and prior to conversion, the Debtor shall obviate the need for filing amended schedules by filing a statement that he or she has acquired no debts or property since the case was filed. The debtor shall comply with all other requirements of Bankruptcy Rule 1019.

RULE 2071-1

COMMITTEES

A. Upon appointment of a committee of creditors pursuant to 11 U.S.C. § 1102, those creditors willing to serve shall have an organizational meeting and elect a chairman who shall preside at meetings of the creditors' committee.

B. The meetings of the creditors' committee may be held by telephone.

C. The U.S. Trustee shall ~~notify~~ notice the Clerk of the Bankruptcy Court ~~in writing~~ of the names, addresses, and telephone numbers of the members of the committee. If no committee is appointed, the U.S. Trustee's office shall ~~notify~~ notice the Clerk of the Bankruptcy Court ~~in writing~~ that no committee has been appointed. A copy of the appropriate notice shall be served upon the attorney for the debtor and the members of the committee.

RULE 2082-1

CHAPTER 12 - GENERAL

A. Duties of Chapter 12 Debtor

(1) At least five (5) days before the first meeting of creditors, the debtor must file and provide the Chapter 12 trustee with the Summary of Operations for Chapter 12 Case (see local forms page on court Internet site) and the Income Tax Returns for the two (2) years immediately preceding the filing of the bankruptcy petition.

(2) At least five (5) days before the confirmation hearing, the debtor must file and provide a copy to the Chapter 12 Trustee of the Farm Plan for a three (3) year period indicating projected disposable income, and a liquidation analysis reflecting the distributions to unsecured creditors if the case proceeds as a Chapter 7.

(3) The debtor shall file and provide a copy to the Chapter 12 Trustee the Monthly Cash Receipts and Disbursements Statement (see local forms page on court Internet site) beginning with the filing of the bankruptcy petition and ending when the payments under the Plan are complete. The Statements shall be filed by the debtor no later than the fifteenth (15th) day following the end of the month and shall include all of the debtor's receipts and/or income, in cash or by check, received during the month. The receipts should be itemized by kind, quantity, and dollar amount. All expenses paid in cash or by check should be itemized.

(4) Within sixty (60) days after the end of a calendar year (or fiscal year), the debtor must complete and file with the Clerk and the Chapter 12 Trustee, Internal Revenue Service Form Schedule 1040 F together with all supporting schedules of Schedule F, and Form 4835, for any part of the calendar or taxable period ending after the date on which the Chapter 12 petition was filed. The Schedule F and Form 4835 must report all income and all expenses to the end of the calendar (or fiscal) year.

B. Pre-Confirmation Matters in Chapter 12

(1) In all cases filed under Chapter 12, the debtor shall file a statement which contains "adequate information" about: (a) the debtor's ability to make all of the payments under the plan and to comply with the plan, (b) the financial condition of the debtor, including assets and liabilities of the debtor as well as the income and expenses of the debtor for the preceding calendar year, (c) the value of any property of the estate,

whether being retained by the debtor or surrendered, which is subject to a lien or security interest as well as a description of the basis for such value, (d) an analysis of the amount which would be received by unsecured creditors if the estate of the debtor were to be liquidated under Chapter 7 of Title 11, and (e) a projection of the net disposable income of the debtor for the term of the plan.

(2) For purposes of this section, "adequate information" shall mean information of a kind, and in sufficient detail, as far as reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that will enable creditors and the trustee to make an informed judgment about confirmation of the plan.

(3) In a Chapter 12 case, the pre-confirmation statement shall be filed upon the filing of a plan. In business Chapter 13 cases, the pre-confirmation statement shall be filed fifteen (15) days prior to the confirmation hearing. Copies of the pre-confirmation statement shall be served upon all creditors, the trustee, the U.S. Trustee, and other persons who have requested notice pursuant to Bankruptcy Rule 2002.

C. Local Rule 2081-1(B) shall apply in Chapter 12 cases.

RULE 2090-1

ATTORNEYS - ADMISSION TO PRACTICE

A. General Admission:

Except as provided herein, Local Rule 11.1 of the United States District Court for the Northern District of Florida governs the admission and appearance of attorneys before the Bankruptcy Court. All attorneys admitted to practice in the United States District Court for the Northern District of Florida are by virtue thereof admitted to practice in the Bankruptcy Court.

B. Admission Not Required:

(1) An attorney representing the United States, or any agency thereof, having the authority of the Government to appear as its counsel, may appear and be heard in any case or proceeding in which the Government or such agency thereof is a party-in-interest.

(2) An attorney who is not admitted to the United States District Court, Northern District of Florida, but is an active member in good standing of the bar of a Court of general jurisdiction in any state or territory of the United States, may appear on behalf of a creditor in the following instances:

(a) Preparation and filing of a notice of appearance and request for service of notices pursuant to Bankruptcy Rule 2002; and

(b) The preparation and filing of a proof of claim.

C. Conduct:

All attorneys appearing in the Bankruptcy Court and all persons at counsel table are expected to observe the same customary and traditional Rules of Conduct and Decorum applicable in the United States District Court, as set forth in Addendum A for convenient reference.

D. Attorneys - Appearance and Withdrawal; Representation by an Attorney - When Required:

(1) No attorney, having made an appearance for a creditor in a contested matter or adversary proceeding or having filed a petition on behalf of a debtor, shall thereafter abandon the case or proceeding in which the appearance was made or withdraw as counsel for any party therein, except by ~~written~~ leave of Court obtained after giving ten (10) days ~~written~~ notice to the party or client affected thereby and to opposing counsel.

(2) (a) The disclosure statement required by Bankruptcy Rule 2016(b) shall include a statement as to whether the attorney has been retained to represent the debtor in discharge and dischargeability proceedings.

(b) If the disclosure statement recites that the attorney has not been retained to represent the debtor in discharge and dischargeability proceedings, the attorney shall not be required to represent the debtor in such proceedings.

(c) If the disclosure statement fails to recite whether the attorney has been retained to represent the debtor in discharge and dischargeability proceedings, the attorney shall be deemed to represent the debtor in such proceedings and shall not be allowed to withdraw from such proceedings except as provided in paragraph (1).

(3) Unless allowed to withdraw from a case, matter, or proceeding by order of the Court, counsel filing a petition on behalf of a debtor shall attend all hearings and meetings scheduled in the case or proceeding at which the debtor is required to attend under any provision of the Bankruptcy Code, the Bankruptcy Rules, or order of the Court; provided, however, counsel need not attend a hearing in regard to a matter in which

the debtor is not a party and whose attendance has only been required as a witness.

(4) Any party for whom a general appearance of counsel has been made shall not thereafter take any step or be heard in the case in proper person absent prior leave of Court, nor shall any natural person, having previously elected to proceed in proper person, be permitted to obtain special or intermittent appearances of counsel except upon such conditions as the Court may specify.

(5) An entity other than a natural person may not file any petition or pleading, except a proof of claim or a ballot, or otherwise appear except through an attorney; provided, however, that any creditor or party in interest may participate in a Section 341 Meeting of Creditors without an attorney.

RULE 3001-1

CLAIMS & EQUITY SECURITY INTEREST - GENERAL

The debtor or trustee filing a proof of claim in the name of a creditor pursuant to Bankruptcy Rule 3004 shall have the responsibility of ~~mailing~~ noticing of the filing to the affected creditor, and as appropriate, the debtor or trustee.

RULE 3007-1

CLAIMS OBJECTIONS

A. Objections to timely-filed claims shall be subject to Bankruptcy Rule 9014 and Local Rule 9013-2, except that the initial pleading need not contain or be accompanied by citations of authority.

B. Objections to claims shall be filed individually for each claim objected to and may name only one creditor.

Note: Objections which include multiple claims, except with respect to duplicate claims, cannot be accurately processed and tracked in the Court's electronic filing system.

~~B~~C. All responsive pleadings to an objection to claim shall contain or be accompanied by citations of authority.

~~C~~D. If no ~~written~~ response to an objection to a claim is filed pursuant to Local Rule 9013-2, the Court may grant relief to the objecting party without the necessity of an evidentiary hearing if relief is otherwise proper.

~~D~~E. All proposed orders on objections to claims shall recite in the ordering paragraph that the objection is either sustained or denied, that the

claim is either allowed or disallowed, and if allowed the amount and class of each such allowed claim.

~~E.~~ F. In all cases filed under Chapter 13, unless extended by the Court, ~~anyone shall file any objections to timely-filed claims shall be filed no later than the hearing on Confirmation of the Plan thirty (30) days after the entry of an Order of Confirmation.~~

~~F.G.~~ In all cases filed under Chapter 11, unless extended by the Court, objections to claims shall be filed not less than forty-five (45) days prior to the entry of an Order of Confirmation.

Note: As guidance to practitioners utilizing this Local Rule, this procedure should be used only for routine objections to claims and in no instance shall this rule be used in filing objections to claims of federal governmental units.

RULE 3012-1

VALUATION OF COLLATERAL

A. (1) In cases filed under Chapter 11, all secured creditors shall be served a copy of any plan and disclosure statement or any amendment thereto filed in the case. The value of property set forth in the disclosure statement filed pursuant to 11 U.S.C. § 1125 shall be deemed at confirmation to be the value of the property for purposes of the plan and confirmation of the plan, including the treatment of creditors under the plan, unless five (5) days prior to the hearing on confirmation a party in interest has filed a motion pursuant to Bankruptcy Rule 3012, in which event such values shall be as determined by the Court.

(2) The disclosure statement shall include the plan proponent's basis or justification for all values shown.

B. In cases filed under Chapter 12 or 13: Upon the filing of the plan or within five (5) days thereafter, the debtor shall ~~notify~~ file a notice to all secured creditors whose claims are being impaired under the Plan ~~in writing~~ of the value, and the debtor's basis or justification for the values shown, of the collateral which secures their claim as set forth in the schedules. The attorney for the debtor shall file a certificate of service to evidence service of the notice pursuant to this rule. The value of property subject to liens or security interests as noticed shall be deemed to be the value of the property for purposes of confirmation and treatment of such creditor pursuant to a plan unless no later than twenty (20) days after such notice any party in interest files a motion to value collateral pursuant to Bankruptcy Rule 3012. The notice sent to a secured ~~creditors~~ creditor pursuant to this rule shall notify such creditor that failure to file a timely motion to value collateral will result in such collateral

being valued at the amount listed for purposes of confirmation of the plan and treatment of such creditor's claim pursuant to the plan.

C. A motion to value property of the estate shall state the value of the property as alleged by the moving party and all facts or circumstances supporting such value and shall be accompanied by an appraisal or other evidence of value. A Motion to Value shall include a certification as required by Local Rule 7007-1. The appraisal or other evidence shall be filed and a copy served upon all adverse parties who are required to be served with a copy of the motion. Any adverse party who contests the motion and desires to appear and be heard on the issue of value shall file a response to such motion within twenty (20) days prior to the hearing on the motion and shall file and serve not later than five (5) days prior to the hearing an appraisal or other evidence of value.

D. In any proceeding in which the value of real property is an issue and where a party intends to present appraisal testimony, the ~~written~~ appraisal report and a statement of the qualifications of the appraisal witness shall be filed with the Court and served on all opposing parties as soon as the report first becomes available but in no case less than five (5) days before the trial or hearing wherein the testimony is to be presented.

E. All objections to the admissibility of the appraisal report or the qualifications of the appraiser as an expert shall be filed and served upon the appraisal's proponent no less than two (2) days prior to the trial or hearing wherein the testimony is to be presented. Absent any objections, the report shall be admitted into evidence without further testimony.

F. Admission into evidence of an appraisal report shall constitute the complete direct examination of an appraiser witness. Cross examination of the witness will begin immediately upon admission of the report followed by redirect and recross.

RULE 3017-1

DISCLOSURE STATEMENT - APPROVAL

A. Upon the filing of the disclosure statement in cases under Chapter 11, the proponent of the Plan shall serve copies of the disclosure statement and plan upon the debtor (if not the proponent), the debtor's attorney (if the debtor is not the proponent), the trustee (if any), the attorney for the creditors committee (if any), each member of the creditors committee, the Internal Revenue, Special Procedures Staff, the Securities and Exchange Commission, Chapter 11 Bankruptcy Filings, Washington, D.C. 20549, the U.S. Trustee, all parties required under Local Rule 3012-1A.(1) and all parties in interest who have filed with the Clerk a request that notice be ~~mailed~~ sent to them pursuant

to Bankruptcy Rule 2002. A certificate of such service shall be filed with the Clerk.

B. The attorney for the debtor shall send copies of the disclosure statement and plan to any other party in interest who requests a copy and may charge such party in interest a reasonable charge for copying and mailing not to exceed the amount charged by the Clerk's office.

C. Objections to the proposed disclosure statement shall be filed and served on the debtor, the debtor's attorney, the attorney for the proponent of the plan (if other than the debtor), the U.S. Trustee, and all parties entitled to be served copies of the disclosure statement and plan as listed above at least five (5) days prior to the hearing on the disclosure statement. Any objections not timely filed shall be deemed waived.

RULE 3020-1

CHAPTER 11 - CONFIRMATION

A. Objections to confirmation shall be governed by Bankruptcy Rule 9014 and shall be filed and served not less than seven (7) days before the hearing on confirmation or within such time as may otherwise be ordered by the Court. A copy of any objection shall be served upon each of the persons set forth in Bankruptcy Rule 3020(b), the U.S. Trustee, and the proponent of the plan (if other than the debtor).

B. All acceptances and rejections shall be ~~mailed~~ sent to the proponent of the plan at least seven (7) days prior to the confirmation hearing, and, if the plan proponent is not the debtor, a copy of all ballots shall be served upon the debtor. Prior to the hearing on confirmation in Chapter 11 cases, the attorney for the plan proponent shall tabulate the acceptances and rejections of the plan on a Chapter 11 Ballot Tabulation form (see local forms page on court Internet site). The ballot tabulation and the original ballots shall then be filed with the Court prior to or at the confirmation hearing. The attorney for the plan proponent shall certify that the tabulation is accurate and that all ballots received have been accounted for and filed.

C. In tabulating the acceptances and rejections, the following rules shall govern:

(1) Ballots which are not signed or which do not identify the creditor will not count as either an acceptance or rejection;

(2) Ballots which do not show a choice of either acceptance or rejection will not be counted either as an acceptance or a rejection;

(3) Ballots which are filed after the last date set for filing of ballots will not be counted as either an acceptance or rejection except upon leave of the Court; and

(4) Where duplicate ballots are filed and one elects acceptance and one elects rejection, then, absent leave of the Court, neither ballot will be counted unless the latter one is designated as amending the prior one.

D. A summary of the tabulations shall be filed with the Court which shall list for each class: the total number of claims voting, total dollar amount of claims accepting, percentages of claims voting which accept the Plan, and percentage of dollar amount of claims voting which accept the Plan. Such summary shall also indicate for each class whether they are impaired or unimpaired and whether or not the requisite vote has been attained for each class.

RULE 4001-1

AUTOMATIC STAY - RELIEF FROM

A. Unless otherwise stated in the notice of hearing, a preliminary, non-evidentiary hearing under 11 U.S.C. § 362(e) will be restricted to the pleadings, affidavits and documents of record, and argument of counsel.

B. The movant shall file with the Motion, or within five (5) days after service of the notice of hearing, the following as appropriate in the circumstances:

(1) An affidavit of indebtedness;

(2) Copies of documents, including filing and recording information necessary to establish a perfected secured interest;

(3) An appraisal or other evidence of value together with the qualifications of the appraiser;

(4) An affidavit showing such facts as may be necessary to demonstrate the movant's right to relief from stay; ~~and~~

~~(5) A proposed order granting the relief requested.~~

C. If the motion is opposed, the debtor or the trustee shall file a response within fifteen (15) days after entry of the Court's order and notice of preliminary hearing; said response shall be accompanied by such appraisals, ~~and other affidavits and documents~~ as may be necessary to demonstrate the movant is not entitled to relief from the stay. If no response is filed within the

time provided by this rule, the Court may grant the motion without a hearing.

D. In final hearings under 11 U.S.C. § 362(e), respective counsel shall present competent evidence admissible under the Federal Rules of Evidence either in support of, or in opposition to, the motion.

E. Not less than ten (10) days prior to the final hearing, each party shall furnish a list of the names and addresses of all witnesses (designating expert witnesses as such) and copies of all exhibits that such party intends to introduce at trial.

F. A party who intends to introduce the testimony of an expert witness shall make such witness available for deposition upon reasonable notice.

G. The moving party may, without leave of court, take a deposition of the trustee, debtor, and debtor-in-possession ten (10) days after the date of service of the motion. Leave of Court must be obtained only if the moving party seeks to take the deposition of the trustee, debtor, or the debtor-in-possession prior to the expiration of ten (10) days after the date of service of the motion. Leave of Court is not required if a trustee, debtor, or debtor-in-possession has served a notice of taking deposition or otherwise sought discovery after service of the motion.

H. Any party in interest shall be entitled to inspect the property which is the subject of a motion under this rule upon reasonable notice. The notice shall provide for inspection not less than five (5) days from the date of service of such notice unless the time is shortened or extended by the Court.

I. For the purpose of this rule, the time for responding under Bankruptcy Rule 7033, 7034 and 7036, is reduced to twenty (20) days unless otherwise directed by the Court.

RULE 4003-2

LIEN AVOIDANCE

A. A motion to avoid a lien under 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d) may name only one creditor as respondent. A separate motion is required for each creditor whose lien or transfer is sought to be avoided.

B. The debtor shall serve a copy of the motion together with any appraisal or other evidence of value upon which the debtor intends to rely upon the respondent in accordance with Bankruptcy Rule 7004.

C. The respondent shall have thirty (30) days within which to file and serve on the debtor a ~~written~~ response to the motion. Any response shall

include a copy of any appraisal or other evidence of value upon which the respondent intends to rely. The debtor shall make the property in question available to the creditor or creditor's agent or appraiser at a mutually agreeable time for the purpose of making an appraisal.

D. If a timely response is filed, the matter will be noticed for an evidentiary hearing. If the respondent fails to file a timely response, the motion may be granted without further notice or a hearing.

RULE 5005-2

~~FILING -- NUMBER OF COPIES~~

~~_____ A. Number of Copies Required:~~

~~_____ (1) Chapter 7 ORIGINAL plus THREE COPIES~~

~~_____ (2) Chapter 9 ORIGINAL plus SIX COPIES~~

~~_____ (3) Chapter 11 ORIGINAL plus FIVE COPIES~~

~~_____ (4) Chapter 12 ORIGINAL plus THREE COPIES~~

~~_____ (5) Chapter 13 ORIGINAL plus TWO COPIES~~

~~_____ B. The lists, schedules, and statements required by Bankruptcy Rules 1007(a), (b) and (d) shall be filed with the same number of copies as the petition and within the time limit specified in Bankruptcy Rule 1007.~~

RULE 6004-1

SALE OF ESTATE PROPERTY

A. In sales of property of the estate, other than in the ordinary course of business, the trustee shall prepare and file a Report and Notice of Intention to Sell Property of the Estate in substantially the same form as Local Form #9. Where the value of the estate's interest in the property is less than \$1,000.00, notice need be given only to the debtor, debtor's attorney, any committee or its authorized agent, the U.S. Trustee's Office, and to any creditor and equity security holders who file a request that all notices be sent to them.

B. Sales of property of the estate free and clear of liens pursuant to 11 U.S.C. § 363(f) and Bankruptcy Rule 6004(c) shall be accomplished in the following manner:

(1) File a motion pursuant to Rule 6004(c) for authority to sell

property free and clear of liens or other interest, and serve the motion on the parties thereto who have liens or other interest in the property to be sold; and

(2) File a notice of sale (Report and Notice of Intent to Sell Property of the Estate, Local Form #9) as provided in Rule 6004(a), and serve the notice on all creditors and parties in interest.

C. All objections to the sale, whether by a party with an interest in the property or otherwise, shall be set for hearing at the same time. If no objections to the sale are filed, the motion shall be granted without a hearing and the sale may proceed without further notice or hearing.

RULE 6007-1

ABANDONMENT

A. Any party in interest, other than a trustee, who seeks to have property abandoned from the estate may do so by complying with the following:

(1) Prepare a Report and Notice of Trustee's Intention to Abandon Property of Estate (see local forms page on court Internet site). Present the original prepared Report and Notice to the trustee and enclose the following documentation or information:

- (a) Evidence of indebtedness owed including promissory notes, statements of account or the like;
- (b) Affidavit of amount due with calculations set forth in detail;
- (c) Evidence of perfection of the lien or encumbrance including mortgages, security agreements, UCC filings and copies of titles showing liens; and
- (d) Evidence as to value.

(2) (a) If the property to be abandoned is encumbered by liens greater than the value of the property, notice shall be given only to the debtor, debtor's attorney, any known lienholders, the creditor's committee, if any, and the U.S. Trustee's office.

(b) If the property to be abandoned is not encumbered by any liens but has a value totaling less than \$500.00, notice shall be given to the debtor, debtor's attorney, the creditor's committee, if any, and the U.S. Trustee's office.

(3) The party in interest who has requested the abandonment shall file ~~send~~ the original Report and Notice and a Certificate of Service of ~~mailing to~~ with the Clerk.

B. Unless ~~written~~ an objection is filed within fifteen (15) days of the filing ~~of the mailing of the~~ notice or within such other time fixed by the Court, the abandonment will be deemed final and no order will be issued.

RULE 7067-1

REGISTRY FUND

A. Whenever a party seeks a court order for money to be deposited by the Clerk in an interest-bearing account or investment, the party shall file with the Clerk's Office ~~deliver~~ its motion along with the a proposed order. ~~to the Clerk or Financial Deputy who will review for proper form and content and then submit the motion and proposed order to the Court for signature.~~ (See local forms page on court Internet site.)

B. The Clerk is directed to deduct from the income earned on the deposit a fee not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office of the U.S. Courts in accordance with the schedule which shall be published periodically by the Director in the Federal Register. This assessment shall apply to all registry fund investments regardless of the nature of the case underlying the investment at the conclusion of the case.

RULE 9014-1

WITNESSES AND EVIDENTIARY HEARINGS

~~When a party intends to present witnesses at~~ determines an evidentiary hearing is required, counsel shall ~~so indicate that intent on the hearing request form submitted to the Court.~~ telephone Judge's chambers upon the filing of the related motion in order for the evidentiary hearing to be properly noticed by the court. ~~Once set for hearing, the Notice of Hearing shall clearly indicate that the hearing shall be evidentiary. If a hearing is not noticed by the moving party as an evidentiary hearing and any other party intends to present witnesses, then that party shall promptly notify the Court and all other parties of the intent to present witnesses.~~ Counsel shall file a witness and exhibit list after receiving the notice of evidentiary hearing.

RULE 9070-1

EXHIBITS

A. Prior to trial or an evidentiary hearing, counsel for the parties shall mark, list, and exchange all exhibits which they plan to introduce into evidence.

B. Each exhibit shall be tagged separately with a tag containing the following information:

RECEIVED AS PLAINTIFF / / DEFENDANT / / JOINT / / EXHIBIT
NO.
CASE NO.
ADVERSARY NO.
FOR ID. _____ IN EVIDENCE

C. Exhibits ~~should~~ shall be identified numerically commencing with number 1.

D. All exhibits must be listed in order on a separate sheet of paper which shall be in accordance with Local Form #7.

E. The original of the documentary exhibits and listing of exhibits shall be furnished to the Clerk at the commencement of the hearing or trial period.

F. All exhibits produced at hearing or trial which are not pre-marked shall be tendered to and marked by the Court Clerk (or Court Reporter if no Court Clerk is present) as they are presented in evidence.

G. Once a judgment or order in an adversary proceeding or contested matter in which exhibits have been received by the Court becomes final, the Clerk shall give notice to all parties to reclaim their exhibits. The parties shall have thirty (30) days from the date of said notice to either reclaim their exhibits or to make arrangements with the Clerk to do so. Exhibits which are not reclaimed shall be discarded or destroyed.

RULE 9072-1

ORDERS – PROPOSED

A. All proposed orders shall carry a full, descriptive title detailing the nature of the matter ruled upon. The name of the preparer shall appear in the lower left hand corner of the signature page. All parties on whom service of the order is to be made shall be listed under the signature block.

B. No order or judgment will be entered where the date or signature of

the Court is the only text on a page.

~~C. In adversary proceedings all proposed orders and judgments not presented in open court shall be submitted with stamped and addressed envelopes to be mailed to all parties in interest. If a proposed order or judgment is entered in open court, the party submitting it shall promptly serve it upon affected parties and file a certificate of service.~~

~~D.C. If not presented at the time of the hearing, Pproposed orders and judgments shall be accompanied by a letter to the Court from submitted electronically as an email attachment to the email address noted on the Court's website. Specifications regarding formatting, consent language and naming conventions are described in the Administrative Procedures also located on the Court's website, and must be strictly adhered to in all cases. the preparer indicating either that the proposed order or judgment has been agreed upon by all affected parties, or alternatively, that the preparer believes that the order or judgment properly reflects the Court's ruling and that copies have been furnished to all other interested parties. Affected parties shall have ten (10) days from the date of the letter to the Court to file their objections in writing as to the form of the proposed order or judgment after which time the Court, if otherwise appropriate, may enter the proposed order or judgment.~~

~~D. The proposed order shall be furnished electronically to the parties in interest with respect to the proposed order (i.e., those parties in interest affected by the order).~~

RULE 9073-1

HEARINGS

A. If a movant seeks a hearing on a motion, or if the motion does not ~~contain a request a~~ for hearing, and an entity filing a response desires a hearing, the title of the motion or response shall include the following language: "...And Request For Hearing."

~~B. (1) A motion or a response which includes a request for a hearing shall be accompanied by a Hearing Request form (see local forms page on court Internet site).~~

~~(2) If a Motion or response does not contain a request for hearing as provided for in "A", then a party in interest who desires a hearing, shall file a request for hearing by use of a Hearing Request form (see local forms page on court Internet site). Copies of all Hearing Requests shall be served on all parties who served the Motion or response and on all parties who were served copies of the Motion or response.~~

~~C.B.~~ (1) When filing a motion, response to a motion, or pleading which seeks an emergency hearing, the title of the motion or pleading shall include the words "And Request For Emergency Hearing." docket text should be modified to include the words "Emergency Motion." Pursuant to instructions included on the electronic filing screen, the Judge's chambers should be contacted by telephone if an emergency hearing is required.

(2) Emergency hearings shall ordinarily be held only where direct, immediate, and substantial harm will occur to:

(a) the interest of an entity in property;

(b) the estate; or

(c) the debtor's ability to reorganize if the parties are not able to obtain an immediate resolution of the dispute.

(3) A motion seeking an emergency hearing shall be accompanied by a "Statement of Need For Emergency Hearing" stating:

(a) why the relief requested requires an emergency hearing;

(b) that the need for an emergency hearing is not caused by lack of due diligence by the party, or its counsel, seeking the relief; and

(c) that efforts have been made to resolve the issue without an emergency hearing.

~~D.C.~~ All hearings may be adjourned or continued from time to time by announcement made in open court without further written notice.